
SENATE BILL 6398

State of Washington

60th Legislature

2008 Regular Session

By Senators Stevens and Hargrove

Read first time 01/16/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to fines levied in truancy court actions; and
2 amending RCW 28A.225.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.225.090 and 2002 c 175 s 29 are each amended to
5 read as follows:

6 (1) A court may order a child subject to a petition under RCW
7 28A.225.035 to do one or more of the following:

8 (a) Attend the child's current school, and set forth minimum
9 attendance requirements, including suspensions;

10 (b) If there is space available and the program can provide
11 educational services appropriate for the child, order the child to
12 attend another public school, an alternative education program, center,
13 a skill center, dropout prevention program, or another public
14 educational program;

15 (c) Attend a private nonsectarian school or program including an
16 education center. Before ordering a child to attend an approved or
17 certified private nonsectarian school or program, the court shall: (i)
18 Consider the public and private programs available; (ii) find that
19 placement is in the best interest of the child; and (iii) find that the

1 private school or program is willing to accept the child and will not
2 charge any fees in addition to those established by contract with the
3 student's school district. If the court orders the child to enroll in
4 a private school or program, the child's school district shall contract
5 with the school or program to provide educational services for the
6 child. The school district shall not be required to contract for a
7 weekly rate that exceeds the state general apportionment dollars
8 calculated on a weekly basis generated by the child and received by the
9 district. A school district shall not be required to enter into a
10 contract that is longer than the remainder of the school year. A
11 school district shall not be required to enter into or continue a
12 contract if the child is no longer enrolled in the district;

13 (d) Be referred to a community truancy board, if available; or

14 (e) Submit to testing for the use of controlled substances or
15 alcohol based on a determination that such testing is appropriate to
16 the circumstances and behavior of the child and will facilitate the
17 child's compliance with the mandatory attendance law and, if any test
18 ordered under this subsection indicates the use of controlled
19 substances or alcohol, order the minor to abstain from the unlawful
20 consumption of controlled substances or alcohol and adhere to the
21 recommendations of the drug assessment at no expense to the school.

22 (2) If the child fails to comply with the court order, the court
23 may order the child to be subject to detention, as provided in RCW
24 7.21.030(2)(e), or may impose alternatives to detention such as
25 community restitution. Failure by a child to comply with an order
26 issued under this subsection shall not be subject to detention for a
27 period greater than that permitted pursuant to a civil contempt
28 proceeding against a child under chapter 13.32A RCW.

29 (3) Any parent violating any of the provisions of either RCW
30 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
31 twenty-five dollars for each day of unexcused absence from school. The
32 court shall remit fifty percent of the fine collected under this
33 section to the child's school district. It shall be a defense for a
34 parent charged with violating RCW 28A.225.010 to show that he or she
35 exercised reasonable diligence in attempting to cause a child in his or
36 her custody to attend school or that the child's school did not perform
37 its duties as required in RCW 28A.225.020. The court may order the
38 parent to provide community restitution instead of imposing a fine.

1 Any fine imposed pursuant to this section may be suspended upon the
2 condition that a parent charged with violating RCW 28A.225.010 shall
3 participate with the school and the child in a supervised plan for the
4 child's attendance at school or upon condition that the parent attend
5 a conference or conferences scheduled by a school for the purpose of
6 analyzing the causes of a child's absence.

7 (4) If a child continues to be truant after entering into a court-
8 approved order with the truancy board under RCW 28A.225.035, the
9 juvenile court shall find the child in contempt, and the court may
10 order the child to be subject to detention, as provided in RCW
11 7.21.030(2)(e), or may impose alternatives to detention such as
12 meaningful community restitution. Failure by a child to comply with an
13 order issued under this subsection may not subject a child to detention
14 for a period greater than that permitted under a civil contempt
15 proceeding against a child under chapter 13.32A RCW.

16 (5) Subsections (1), (2), and (4) of this section shall not apply
17 to a six or seven year-old child required to attend public school under
18 RCW 28A.225.015.

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